



City of San Francisco



City of Oakland



City of San Jose

August 8, 2011

Ms. Jennifer Manner
Deputy Chief
Public Safety & Homeland Security Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

**RE: Submission of San Francisco Bay Area Waiver Cities re BayWEB Timeline
PS Docket 06-229**

Dear Ms. Manner:

Pursuant to your request during the July 6, 2011, meeting regarding the status of the Bay Area Wireless Enhanced Broadband ("BayWEB") project, the purpose of this letter is to provide information about the critical path construction schedule for the project. Such information is provided here in support of the anticipated submission of an expedited waiver petition to be filed on behalf of jurisdictions involved in the BayWEB project as described herein.

While the original Waiver Petition and Amended Petition were filed by the City and County of San Francisco, City of Oakland, and City of San Jose ("Bay Area Waiver Cities"), it was the intention of such Petitioners to obtain a waiver in the referenced proceeding to encompass all Bay Area jurisdictions involved in the BayWEB project.¹ Accordingly, the Bay Area Waiver Cities or the Bay RICS Authority, as appropriate, now seek the most expeditious route to secure a comprehensive de facto lease with the Public Safety Spectrum Trust ("PSST") to encompass the entire planned BayWEB service area.

The BayWEB project is the result of a Broadband Technology Opportunity Program ("BTOP") grant awarded by the National Telecommunications and Information Administration ("NTIA") to Motorola Solutions Inc. ("Motorola"), for the construction of a middle-mile network that will be comprised of a 700 MHz Public Safety Broadband System, as well as a fixed wireless public broadband system for community anchor institutions, local businesses, and underserved areas. Funded by a \$50.6 million grant from NTIA and a \$21.9 million match by Motorola, the middle-mile network being deployed will consist of approximately 200 sites distributed throughout the ten-county Bay Area region.

¹ The Bay Area jurisdictions involved in the BayWEB project are forming a joint powers authority to be called the Bay Regional Interoperable Communications System Authority ("BayRICS Authority"). The jurisdictions included in the BayRICS Authority are listed in Attachment A hereto.

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The Bay Area Waiver Cities and other Bay Area jurisdictions have worked closely with NTIA and Motorola to understand the grant requirements and operational deadlines. Consistent with the requirements of the American Recovery and Reinvestment Act, the NTIA grant imposes two overriding deadlines that govern the timing of the BayWEB project. First, NTIA's "substantial completion" deadline requires that two-thirds of the network be built and two-thirds of BTOP grant funding be spent by August 13, 2012. Second, NTIA's final deadline for expending or encumbering BTOP funds and completing the BayWEB project is August 13, 2013.² We are informed by Motorola that the failure to meet these deadlines risks action by NTIA to suspend Motorola's ability to draw funds necessary to complete the project or, in extreme cases, to terminate the award.³

These deadlines drive a series of critical path operational deadlines for the work necessary to construct the project. Set forth below are the critical path operational deadlines which were provided to the BayWEB jurisdictions by Motorola with respect to some of the most significant activities necessary to implement the BayWEB project consistent with the terms of the NTIA award:

- August 16, 2011 Motorola completes vendor selection
- August 17, 2011: Design completed on core location, eNodeB sites
- August 23, 2011: Motorola executes vendor contract(s)
- September 13, 2011: Order core and site equipment as well as public broadband site materials
- October 12, 2011: Microwave licensing (microwave paths) target completion
- November 1, 2011: Staging of equipment completed, sent to the field
- November 10, 2011: Begin site testing of core (*Motorola has advised that this is a time-critical date by which Motorola must have access to the 700 MHz spectrum throughout the BayWEB service area*)
- November 15, 2011: Power, equipment installation, backhaul completion on core site
- November 29, 2011 Site testing of core completed

² See Department of Commerce, NTIA Financial Assistance Award Number NT10BIX5570089, awarded August 13, 2010.

³ See Department of Commerce, National Telecommunications and Information Administration, Broadband Technology Opportunities Program, *Notice of Funds Availability and Solicitation of Applications*, 75 Fed. Reg. 3792, 3799 & 3812 (Jan. 22, 2010).

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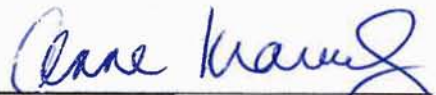
- December 22, 2011: Site system installation completed
- January 4, 2012: Approval for towers (antennas/new tower/upgrades to existing towers) completed
- June 20, 2012: Site permitting completed
- June 20, 2012: Site testing for all counties completed

Motorola informs us that once the network equipment is in place, the milestone dates for Motorola's network testing are tied to (or assume) the availability of the PSST 700 MHz spectrum. Motorola states that any delay in the availability of the 700 MHz spectrum for use by the BayRICS Authority in its full geographic footprint would likely delay these milestone dates and could ultimately impede the ability of Motorola to meet the deadlines under its NTIA award. The Bay Area Waiver Cities share Motorola's concern that there be adequate time in advance of project completion for the Bay Area local governments to conduct comprehensive system testing, which will necessitate use of the 700 MHz spectrum. A significant delay in resolving the BayRICS Authority's access to the spectrum could have the unfortunate effect of squeezing the time for robust testing in order to meet the fixed NTIA deadlines.

In light of the conditions that the Commission has prescribed for waiver recipients, the Bay Area Waiver Cities believe that the timing needs of the BayWEB project require resolution of the de facto lease matter at the earliest possible date and that, in all events, such spectrum be available before the November 10, 2011 core testing commencement date.

Thank you in advance for your consideration of the attached information. On behalf of the Bay Area, we look forward to working with you and Bureau staff on this matter.

Sincerely,



Anne Kronenberg, Executive Director
Department of Emergency Management
City and County of San Francisco



Deanna J. Santana
City Administrator
City of Oakland



Ed Shikada
Assistant City Manager
City of San Jose

ATTACHMENT A

Bay Area Regional Interoperable Communication Systems Joint Powers Authority

Membership – As of July 28, 2011

Jurisdiction	Date Joined
Alameda County	5/24/2011
California, State of	6/14/2011
Contra Costa County	6/28/2011
East Bay Hub ¹	5/20/2011
Marin County	7/26/2011
Napa County	Under consideration
North Bay Hub ²	Under consideration
Oakland, City of	7/19/2011
San Francisco County	5/24/2011
San Francisco City	5/24/2011
San Jose, City of	6/14/2011
San Mateo County	6/7/2011
Santa Clara County	5/24/2011
Santa Cruz County	Under consideration
Solano County	Under consideration
Sonoma County	5/24/2011
South Bay Hub ³	5/24/2011
West Bay Hub ⁴	Under Consideration

¹ The Hub consists of a representative group of cities from Contra Costa and Alameda Counties.

² The Hub consists of a representative group of cities from Napa, Marin, Solano, and Sonoma Counties

³ The Hub consists of a representative group of cities from Santa Clara and Santa Cruz Counties.

⁴ The Hub consists of a representative group from San Mateo County.